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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,172	11/18/2003	Diana Maria Cantu	1033-T00535	3909

34431 7590 12/29/2006  
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CHICAGO, IL 60606

EXAMINER
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LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/716,172

Applicant(s)

DIANA CANTU

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to Amendment, filed 10/11/2006.
2. Claims 1-28 are pending in this application. Claims 1, 4-9 are independent claims. In the Amendment, claims 27-28 have been added, and claims 1, 5, 7-14, 18, 20-21, 23-26 have been amended. This action is made Final.

The objection to the specification (claim objection) of the invention has been withdrawn in view of the amendment.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 fails to provide a practical application that produces tangible result, since merely "converting the received message into a converted message having a format associated with at least one database associated with the matching reference" does not enable the usefulness to be realized. It is not until the converting (which takes place as a thought or a computation within a processor) is brought out of the mind or processor that it becomes more than an abstraction, instead being real-world and enabling the functionality to be realized. The amended claim fail to recite tangible result, as the converting step is not tangible.

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Claim 14 is a system claim, has the same type of issues as claim 1, therefore, is rejected under similar rationale.

Claims 2-13 and 15-26 incorporate the deficiencies of claims 1, 14 and do not add tangibility to the claimed subject matter, they are likewise rejected.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 8, 9, 11-13, 14-17, 19, 21, 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cornelius et al. (US Patent No. 6,684,222).

Cornelius anticipated independent claims 1, 14 by the following:

**As per claim 1**, Cornelius teaches a method for organizing related communications in one or more databases comprising:

receiving (*i.e. The received data may be expressed in a hierarchical data structure format, such as extensible mark-up language, XML, col. 3, lines 42-44*) at least one XML-based message (*i.e. data message, col. 13, line 28*) from at least one of many, different communication device (*i.e. The first data processing system 102 and the second*

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*data processing system 120, col. 2, lines 58-59) (col. 2, line 48 to col. 3 line 6; col. 3, lines 39-49; col. 13, lines 38-48);*

*comparing (i.e. Parsed data includes symbols (e.g., characters) and markup code that provides a definition of the storage layout and logical structure of the XML document, col. 3, lines 49-56) one or more XML tags (i.e. markup code, col. 3, lines 49-56) within the at least one XML-based message to one or more references, wherein each reference is associated with one or more previous messages (i.e. the first data processing system 102 may initiate a resend of the transactional data, col. 4, line 65 to col. 5, line 1) (col. 3, lines 39 to col. 4, line 9; col. 5, lines 6-34);*

*selecting a reference (i.e. the hierarchical data structure, col. 3, lines 57-59) that most closely matches one or more of the XML tags (col. 3, lines 39 to col. 4, line 9);*

*converting the received message into a converted message having a format associated with at least one database associated with the matching reference (i.e. The mapper 106 converts the hierarchical data structure into a table or another generally tabular data structure for storage in the first relational database 108, col. 3, lines 57-59) (col. 3, line 57 to col. 4, line 9).*

**As per claim 14,** Cornelius teaches a system for organizing related communications in one or more databases, the system comprising:

*a mediation web server (i.e. communication network 118, Fig. 1A, col. 2, lines 48-67) operable to:*

*receive (i.e. The received data may be expressed in a hierarchical data structure format, such as extensible mark-up language, XML, col. 3, lines 42-44) at least one*

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XML-based message (*i.e. data message, col. 13, line 28*) from at least one of many, different communication device (*i.e. The first data processing system 102 and the second data processing system 120, col. 2, lines 58-59*) (*col. 2, line 48 to col. 3 line 6; col. 3, lines 39-49; col. 13, lines 38-48*);

compare (*i.e. Parsed data includes symbols (e.g., characters) and markup code that provides a definition of the storage layout and logical structure of the XML document, col. 3, lines 49-56*) one or more XML tags (*i.e. markup code, col. 3, lines 49-56*) within the message to one or more references, wherein each reference is associated with one or more previous messages (*i.e. the first data processing system 102 may initiate a resend of the transactional data, col. 4, line 65 to col. 5, line 1*) (*col. 3, lines 39 to col. 4, line 9; col. 5, lines 6-34*);

selecting a reference (*i.e. the hierarchical data structure, col. 3, lines 57-59*) that most closely matches one or more of the XML tags (*col. 3, lines 39 to col. 4, line 9*);

convert the received message into a format associated with at least one database associated with the matching reference (*i.e. The mapper 106 converts the hierarchical data structure into a table or another generally tabular data structure for storage in the first relational database 108, col. 3, lines 57-59*) (*col. 3, line 57 to col. 4, line 9*).

As to claims 2, 15, Cornelius teaches the received message and a previous message corresponding to the selected reference are substantially related to one another (*i.e. confirmation of receipt of data previously transmitted, col. 4, line 46 to col. 5, line 5*).

As to claims 3, 16, Cornelius teaches enabling a telecommunications service that organizes related communications in one or more databases (*i.e. first relational database 108, second relational database 126, Fig. 1A*).

As to claims 4, 17, Cornelius teaches converting a next message into a same format as the converted message when the next message has one or more XML tags that match the XML tags of a previous message (*i.e. converts the hierarchical data structure, col. 4, line 57*) (*col. 3, line 39 to col. 4, line 9*); and

forwarding the next, converted message to a database associated with the converted message (*i.e. the mapper 106 communicates with a first relational database 108 to facilitate the storage of data in the first relational database 108 col. 3, lines 12-27*) (*col. 3, line 39 to col. 4, line 9*).

As to claims 6, 19, Cornelius teaches selecting an initial database (*i.e. a first relational database 108, col. 4, line 48*) when no reference most closely matches one or more of the XML tags of the received message (*col. 4, line 46 to col. 5, line 5*);

converting the received message into a format corresponding to the selected, initial database (*i.e. The mapper 106 converts the hierarchical data structure into a table or another generally tabular data structure for storage in the first relational database 108, col. 3, lines 57-59*) (*col. 3, line 39 to col. 4, line 9*); and

forwarding the converted message to the selected, initial database (*i.e. The first data processing system 102 may archive data from the first enterprise resource planning*

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*system 100 into a first relational database 108 for subsequent reference, col. 4, line 46 to col. 5, line 5).*

**As per claim 8,** Cornelius teaches at least one communication devices is at least one of a voicemail server, a facsimile server, an email server, and a web server (*i.e. the communications network 118, col. 13, lines 38-48*).

**As to claims 9, 21,** Cornelius teaches the database format is at least one of Oracle, Sybase, MySQL, MsQL, and DB2 (*i.e. Structured Query Language, col. 5, lines 41-55*).

**As to claims 11, 24,** Cornelius teaches the method as in claim 1, further comprising: forwarding a confirmation (*i.e. confirmation of receipt of data, col. 4, lines 65-67*) message to at least one of a customer agent or a customer (*i.e. a business relationship (e.g., customer-supplier relationship) between the first business entity and the second business entity, col. 3 lines 4-6*).

**As to claims 12, 25,** Cornelius teaches forwarding at least one of voicemail message, facsimile message, an email message or an Internet message to a customer agent (*i.e. A data message is transmitted between a first data processing system 102 and a second data processing system 120 over the communications network 118, col. 13, lines 38-48*).



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As to claims 13, 26, Cornelius teaches the at least one XML-based message is received from a customer agent (*i.e. a business relationship (e.g., customer-supplier relationship) between the first business entity and the second business entity, col. 3 lines 4-6) (col. 2, line 48 to col. 3 line 6; col. 3, lines 39-49; col. 13, lines 38-48).*

As to claims 27, 28, Cornelius teaches forwarding the converted message to the associated database (*i.e. The first relational database 108 supports storage and retrieval of information in the table or another generally tabular data structure, col. 3, lines 59-62), (col. 3, line 57 to col. 4, line 9).*

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5, 7, 10, 18, 20, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornelius et al. (US Patent No. 6,684,222), in view of Sijacic et al. (US Pub. No. 20020184145).

**As to claims 5, 18,** Cornelius teaches the at least one received XML-based message (*i.e. The received data may be expressed in a hierarchical data structure format, such as extensible mark-up language, XML, col. 3, lines 42-44; data message, col. 13, line 28*).

Cornelius does not expressly teach a Document Type Definition ("DTD") .

However, Sijacic teaches the at least one received XML-based message comprises a Document Type Definition ("DTD") in Fig. 4A, 4B, and 4C (FIGS. 4A, 4B and 4C illustrate exemplary XML formats associated with requests, DTDs and response messages, [0017]).

It would have been obvious to one of ordinary skill of the art having the teaching of Cornelius and Sijacic at the time the invention was made to modify the system of Cornelius to include the at least one received XML-based message comprises a Document Type Definition ("DTD") which substantially takes the form of above as taught by Sijacic. One of ordinary skill in the art would be motivated to make this combination in order to perform XML based transactions in a business-to-business electronic invoice presentment and payment environment in view of Sijacic, as doing so would give the added benefit of enabling efficient and versatile data exchange between a billing system and its customers as taught by Sijacic ([0019]).

**As to claims 7, 20,** Cornelius teaches forwarding an XML-based message (*i.e. The sender 112 sends a hierarchical data structure (e.g., XML document) from the first data processing system 102 to the second data processing system 120 via the communications network 118, col. 3, line 57 to col. 4, line 9; data message, col. 13, line*

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28) to at least one of the many, different communication devices (i.e. *(i.e. The first data processing system 102 and the second data processing system 120, Fig. 1A, col. 2, lines 58-59).*

Cornelius does not expressly teach a DTD to the at least one communication device.

However, Sijacic teaches forwarding an XML-based message comprising a DTD to the at least one communication device in Fig. 4A, 4B, and 4C (FIGS. 4A, 4B and 4C illustrate exemplary XML formats associated with requests, DTDs and response messages, [0017]):

It would have been obvious to one of ordinary skill of the art having the teaching of Cornelius and Sijacic at the time the invention was made to modify the system of Cornelius to include forwarding an XML-based message comprising a DTD to the at least one communication device as taught by Sijacic. One of ordinary skill in the art would be motivated to make this combination in order to perform XML based transactions in a business-to-business electronic invoice presentment and payment environment in view of Sijacic, as doing so would give the added benefit of enabling efficient and versatile data exchange between a billing system and its customers as taught by Sijacic ([0019]).

**As to claims 10, 22,** Cornelius teaches forwarding a responsive (*i.e. confirmation of receipt of data previously transmitted by the first data processing system 102 to the second data processing system 120, col. 4, lines 65-67*) XML-based message (*i.e. The sender 112 sends a hierarchical data structure (e.g., XML document) from the first data*

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*processing system 102 to the second data processing system 120 via the communications network 118, col. 3, line 57 to col. 4, line 9; data message, col. 13, line 28) to at least one of the many, different communication devices (i.e. The first data processing system 102 and the second data processing system 120, Fig. 1A, col. 2, lines 58-59) to a mediation web server (i.e. communication network 118, Fig. 1A, col. 2, lines 48-67).*

Cornelius does not expressly teach a DTD to a mediation web server.

However, Sijacic teaches forwarding a response XML-based message comprising a DTD to a mediation web server in Fig. 4A, 4B, and 4C (FIGS. 4A, 4B and 4C illustrate exemplary XML formats associated with requests, DTDs and response messages, [0017]).

It would have been obvious to one of ordinary skill of the art having the teaching of Cornelius and Sijacic at the time the invention was made to modify the system of Cornelius to include forwarding a response XML-based message comprising a DTD to a mediation web server as taught by Sijacic. One of ordinary skill in the art would be motivated to make this combination in order to perform XML based transactions in a business-to-business electronic invoice presentment and payment environment in view of Sijacic, as doing so would give the added benefit of enabling efficient and versatile data exchange between a billing system and its customers as taught by Sijacic ([0019]).

**As per claim 23,** Cornelius teaches the communication control device is at least one of a voicemail server, a facsimile server, an email server, or a web server (*i.e. A data message is transmitted between a first data processing system 102 and a second data*

*processing system 120 over the communications network 118, col. 13, lines 38-48).*

***Response to Arguments***

8. Applicant's arguments filed 03/10/2003 have been fully considered but they are not persuasive.

Applicant argues that:

(a) Cornelius does not teach comparing one or more XML tags within at least one XML-base message to one or more references, wherein each references is associated with one or more previous messages.

(b) Applicants question how resending messages describes or suggests comparing one or more XML tags within at least one XML-based message to one or more references, wherein each reference is associated with one or more previous messages.

The Examiner respectfully disagrees for the following reasons:

Per (a), Cornelius does teach comparing one or more XML tags within at least one XML-base message to one or more references, wherein each references is associated with one or more previous messages.

As shown in Fig. 2 and in col. 7, lines 1-59, Cornelius teaches the following steps:

S12: receiving the XML file (XML-based message in claim 1).

S14: determining the data attributes (i.e. references in claim 1) associated with elements (i.e. XML tags in claim 1).

S16: the mapper (i.e. comparing) stores the determined data attributes (i.e. references in claim 1) in the table of the databases.

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It should be noted that the step of comparing of claim 1 corresponds to the step of matching of data attributes as taught by Cornelius.

Per (b), in response to applicants' argument regarding how resending messages describes or suggests comparing one or more XML tags within at least one XML-based message to one or more references, wherein each reference is associated with one or more previous messages), it is brought to applicant's attention that as detailed in page 3 of Office Action, Cornelius teaches the step of:

**comparing** (i.e. **Parsed** data includes symbols (e.g., characters) and markup code that provides a definition of the storage layout and logical structure of the XML document, col. 3, lines 49-56) one or more XML tags (i.e. markup code, col. 3, lines 49-56) within the at least one XML-based message to one or more references, wherein each reference is associated with one or more **previous messages** (i.e. the first data processing system 102 may initiate **a resend of the transactional data**, col. 4, line 65 to col. 5, line 1) (col. 3, lines 39 to col. 4, line 9; col. 5, lines 6-34).

*Note that:*

- a) The step of comparing of claim 1 equates to the step of parsing of Cornelius.
- b) And, each reference is associated with one or more. "previous message of claim 11" equates to "a resend of the transaction data" of Cornelius.

It is noted that Cornelius teaches the step of resending the transaction data as "if the first data processing system 102 does not receive an acknowledgement or confirmation of receipt of data previously transmitted by the first data processing system 102 to the second data processing system 120, the first data processing system 102 may

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initiate a resend of the transactional data (e.g., miscommunicated or lost data). The applicable information is retrieved from the first relational database 108, as opposed to the first enterprise resource planning system 100, and transmitted to the second data processing system 120 (col. 4, line 46 to col. 5, line 5).

It should be noted that the step of resending of Cornelius including the step of retrieving the applicable information in the database, which is equivalent to searching, comparing in order to retrieve the applicable information (previous information relating to the previous message has been already stored in the database).

Moreover, the invention of Cornelius is analogous to the applicant's as providing database including entities for storing XML file, or XML message in order to recover lost message. Pursuant to the Specification, paragraph [0003], the instant application is directed to methods and systems which provide a company or another entity the ability to organize related, customer communications in a way that reduces the chances that these communications will be lost or erased, and makes such communications easily accessible to a customer agent or the like responsible for responding to, or processing, customer transactions. Similarly, Cornelius discloses that "the first relational database 108 and the second relational database 126 support recovery of transactional data, should communications fail or be interrupted between the first business entity and the second business entity via the communications network 118. For example, if the first data processing system 102 does not receive an acknowledgement or confirmation of receipt of data previously transmitted by the first data processing system 102 to the second data processing system 120, the first data processing system 102 may initiate a resend of the transactional data (e.g., miscommunicated or lost data). The applicable information is

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retrieved from the first relational database 108, as opposed to the first enterprise resource planning system 100, and transmitted to the second data processing system 120 (col. 4, line 46 to col. 5, line 5).

Furthermore, Cornelius teaches a method for organizing the XML file as describing the following steps (See Fig. 2 and col. 7, line 1-59).

S12: receiving the XML file (XML-based message in claim 1).

S14: determining the data attributes (i.e. references in claim 1) associated with elements (i.e. XML tags in claim 1).

S16: the mapper (i.e. comparing) stores the determined data attributes (i.e. references in claim 1) in the table of the databases.

It is noted that "each references is associated with one or more previous messages" of claim 1 equates to "attributes in the tables" of Cornelius. It also is noted that attributes (references in claim 1) already stored in the table are attributes of the previous message (one or more references, wherein each reference is associated with one or more previous messages of claim 1).

For Applicants' reference, these following paragraphs herein below further described how the claims read on Cornelius's invention.

Once the receiver 104 receives the hierarchical textual file (e.g., an XML file) for translation, the mapper 106 or translator preferably translates the hierarchical textual file starting from a beginning of the hierarchical textual file and proceeding toward an end of the hierarchical textual file in sequential order. The mapper 106 parses the data in the hierarchical textual file as necessary to fill entries in the table 72 or another generally tabular data structure (col. 7, lines 1-9).

In step S14, the data processing system (102 or 120) determines the data attributes associated with corresponding structured data elements of the received hierarchical textual file. To this end, the data



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*processing system (102 or 120) reads the data elements of the accepted hierarchical textual file on an element-by-element basis to determine the values for filling the data attribute fields of particular data elements. After or during the reading, the data processing system 12 determines relationships or affiliations between data attributes and each corresponding data element. The data attributes include hierarchical relationship data (e.g., node identifier and parent node identifier) for defining a hierarchical data structure among or between different data elements. The data processing system (102 or 120) stops reading the hierarchical file once all structured data elements (e.g., entities) within the hierarchical textual file have been evaluated. Further, data values of the characteristics of the structured data elements are determined and classified into appropriate data attributes. In the context of handling a group of XML documents, step S14 represents a recursive process where an XML document hierarchy is looped through and structured data elements from each XML document are entered in one at a time into one or more tables 72. The table 72 is populated with entries (e.g., data attributes) until an entire hierarchical file is represented by one or more full tables (col. 7, lines 9-35).*

*In step S16, the data processing system (102 or 120) stores the data entries (e.g., data entries 66 in FIG. 5) or data values for the determined data attributes and corresponding data elements in the table 72 of the first relational database 108 or the second relational database 126. For example, the mapper 106 may store the determined data attributes in the data attribute fields 68 for the applicable data elements to build the table 72 or another generally tabular data structure. A data entry 66 may be placed at an intersection (e.g., a cell at the intersection of a column and a row) of a data attribute field 68 and a data element field 70 in the table 72. In one embodiment, the mapper 106 may store the data attributes of different data elements on a row-by-row basis in the table 72 (col. 7, lines 35-59).*

The knowledge that is within the level of one of ordinary skill is highlighted hereinabove for the Applicant's convenience. The Examiner believes that the Applicants have failed to determine the level of ordinary skill as taught by Cornelius.

Therefore, the claim language as presented is still read on by the Cornelius reference at the cited paragraph in the claim rejections.

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Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

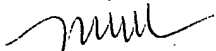
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
December 22, 2006



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